

Union Calendar No. 429

110TH CONGRESS
2D SESSION

H. R. 135

[Report No. 110–504, Parts I and II]

To establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. LINDER (for himself, Mr. BUTTERFIELD, Ms. BORDALLO, Mr. NORWOOD, Mr. GARY G. MILLER of California, and Mr. TERRY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 19, 2007

Reported from the Committee on Natural Resources

DECEMBER 19, 2007

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than January 15, 2008

JANUARY 15, 2008

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than February 29, 2008

FEBRUARY 29, 2008

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than April 30, 2008

APRIL 30, 2008

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than May 22, 2008

MAY 22, 2008

Referral to the Committee on Transportation and Infrastructure extended for
a period ending not later than June 6, 2008

JUNE 4, 2008

Additional sponsors: Mr. GOODLATTE, Mr. SESSIONS, Mrs. NAPOLITANO, Mr.
PRICE of Georgia, Mr. GINGREY, Mr. KUHLMANN of New York, Mrs.
MUSGRAVE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. COSTA, Mr.
HASTINGS of Florida, Mr. SHADEGG, Mr. DAVIS of Illinois, Mr. STUPAK,
Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Georgia, Mr. KING-
STON, Mr. MARSHALL, Mr. BISHOP of Georgia, Mr. DEAL of Georgia,
Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. HINOJOSA, and Mr.
CALVERT

JUNE 4, 2008

Reported from the Committee on Transportation and Infrastructure with an
amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 4, 2007]

A BILL

To establish the Twenty-First Century Water Commission
to study and develop recommendations for a comprehen-
sive water strategy to address future water needs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. 21ST CENTURY WATER COMMISSION.**

4 *(a) ESTABLISHMENT.—There is established a commis-*
5 *sion to be known as the 21st Century Water Commission*
6 *(in this section referred to as the “Commission”).*

7 *(b) DUTIES.—The duties of the Commission shall be*
8 *to—*

9 *(1) use existing water studies and assessments*
10 *and conduct such additional studies and assessments*

1 *as may be necessary, including studies and assess-*
2 *ments on climate change impacts, to—*

3 *(A) project future water supply needs and*
4 *demand;*

5 *(B) develop national and regional assess-*
6 *ments on flood risk and water availability; and*

7 *(C) develop national and regional trends re-*
8 *lated to water quality;*

9 *(2) study current water management programs*
10 *of Federal, interstate, State, and local agencies and*
11 *private sector entities directed at increasing water*
12 *supplies, managing flood risk, and improving the*
13 *availability, reliability, and quality of water re-*
14 *sources; and*

15 *(3) develop recommendations, in consultation*
16 *with representatives of such agencies and entities, for*
17 *a comprehensive water strategy that—*

18 *(A) identifies incentives to ensure an ade-*
19 *quate and dependable supply of water to meet*
20 *the needs of the United States for the next 50*
21 *years;*

22 *(B) considers all available technologies and*
23 *other methods to optimize water supply reli-*
24 *ability, availability, and quality, while safe-*
25 *guarding and enhancing the environment;*

1 (C) suggests financing options, incentives,
2 and opportunities for development of comprehen-
3 sive watershed management plans, regional wa-
4 tershed planning, holistically designed water re-
5 sources projects, and increased use of non-
6 structural elements (including green infrastruc-
7 ture and low impact development techniques);

8 (D) encourages, to the maximum extent
9 practicable, the integration of flood control and
10 water supply projects, including recommenda-
11 tions for capturing excess water and flood water
12 for conservation and reuse;

13 (E) suggests options to promote the use of,
14 and reduce biases against, nonstructural ele-
15 ments (including green infrastructure and low
16 impact development techniques) when managing
17 stormwater, including features that—

18 (i) preserve and restore natural proc-
19 esses, landforms (such as floodplains), nat-
20 ural storage, natural vegetated stream side
21 buffers, wetlands, or other topographical
22 features;

23 (ii) utilize natural design techniques
24 that infiltrate, filter, store, evaporate, and
25 detain water close to its source; or

1 (iii) minimize the use of impervious
2 surfaces;

3 (F) encourages the avoidance and mini-
4 mization of adverse impacts to natural systems,
5 and where possible, the restoration of natural
6 systems; and

7 (G) addresses other objectives related to a
8 comprehensive water strategy which the Commis-
9 sion shall consider appropriate.

10 (c) *DEVELOPMENT OF A COMPREHENSIVE WATER*
11 *STRATEGY.*—

12 (1) *IMPACTS OF CLIMATE CHANGE.*—In devel-
13 oping recommendations for a comprehensive water
14 strategy, the Commission shall—

15 (A) evaluate the effectiveness of existing haz-
16 ard mitigation strategies and contingency plan-
17 ning provisions for Federal, interstate, State,
18 and local water management programs in light
19 of climate change impacts, including sea level
20 rise, changing weather patterns, increased risk of
21 flooding or drought, and associated impacts to
22 water quality;

23 (B) consider and evaluate the impacts of
24 climate change;

1 (C) include strategies for using best avail-
2 able climate science in projections of future flood
3 and drought risk, and for developing hazard
4 mitigation strategies to protect water quality in
5 extreme weather conditions caused by climate
6 change; and

7 (D) identify adaptation techniques, or fur-
8 ther research needs of adaptation techniques, for
9 responding to climate change impacts.

10 (2) *POLICY CONSIDERATIONS.*—In developing
11 recommendations for a comprehensive water strategy,
12 the Commission shall—

13 (A) respect the primary role of States in
14 adjudicating, administering, and regulating
15 water rights and water uses;

16 (B) identify whether recommendations are
17 consistent with existing laws, treaties, decrees,
18 and interstate compacts;

19 (C) identify duplication among Federal
20 governmental programs, and make recommenda-
21 tions to improve coordination among Federal,
22 interstate, State, and local agencies; and

23 (D) avoid suggesting strategies for increased
24 mandates on State and local governments.

25 (d) *MEMBERSHIP.*—

1 (1) *NUMBER AND APPOINTMENT.*—*The Commis-*
2 *sion shall be composed of 11 members who shall be*
3 *appointed, not later than 90 days after the date of en-*
4 *actment of this Act, as follows:*

5 *(A) 3 members appointed by the President.*

6 *(B) 3 members appointed by the Speaker of*
7 *the House of Representatives from a list of 6 in-*
8 *dividuals—*

9 *(i) 3 nominated for that appointment*
10 *by the chairman of the Committee on*
11 *Transportation and Infrastructure of the*
12 *House of Representatives; and*

13 *(ii) 3 nominated for that appointment*
14 *by the chairman of the Committee on Nat-*
15 *ural Resources of the House of Representa-*
16 *tives.*

17 *(C) 3 members appointed by the majority*
18 *leader of the Senate from a list of 6 individ-*
19 *uals—*

20 *(i) 3 nominated for that appointment*
21 *by the chairman of the Committee on Envi-*
22 *ronment and Public Works of the Senate;*
23 *and*

1 (ii) 3 nominated for that appointment
2 by the chairman of the Committee on En-
3 ergy and Natural Resources of the Senate.

4 (D) 1 member appointed by the minority
5 leader of the House of Representatives from a list
6 of 2 individuals—

7 (i) 1 nominated for that appointment
8 by the ranking member of the Committee on
9 Transportation and Infrastructure of the
10 House of Representatives; and

11 (ii) 1 nominated for that appointment
12 by the ranking member of the Committee on
13 Natural Resources of the House of Rep-
14 resentatives.

15 (E) 1 member appointed by the minority
16 leader of the Senate from a list of 2 individ-
17 uals—

18 (i) 1 nominated for that appointment
19 by the ranking member of the Committee on
20 Environment and Public Works of the Sen-
21 ate; and

22 (ii) 1 nominated for that appointment
23 by the ranking member of the Committee on
24 Energy and Natural Resources of the Sen-
25 ate.

1 (2) *QUALIFICATIONS.*—

2 (A) *RECOGNIZED STANDING AND DISTINC-*
3 *TION.*—*Members shall be appointed to the Com-*
4 *mission from among individuals who are of rec-*
5 *ognized standing and distinction in water policy*
6 *issues.*

7 (B) *LIMITATION.*—*A person while serving*
8 *as a member of the Commission may not hold*
9 *any other position as an officer or employee of*
10 *the United States, except as a retired officer or*
11 *retired civilian employee of the United States.*

12 (C) *OTHER CONSIDERATIONS.*—*In appoint-*
13 *ing members of the Commission, every effort*
14 *shall be made to ensure that the members rep-*
15 *resent a broad cross section of regional and geo-*
16 *graphical perspectives in the United States.*

17 (3) *CHAIRPERSON.*—*The Chairperson of the*
18 *Commission shall be elected by a majority vote of the*
19 *members of the Commission.*

20 (4) *TERMS.*—*Members of the Commission shall*
21 *serve for the life of the Commission.*

22 (5) *VACANCIES.*—*A vacancy on the Commission*
23 *shall not affect its operation and shall be filled in the*
24 *manner in which the original appointment was*
25 *made.*

1 (6) *COMPENSATION AND TRAVEL EXPENSES.*—

2 *Members of the Commission shall serve without com-*
3 *ensation; except that members shall receive travel ex-*
4 *penses, including per diem in lieu of subsistence, in*
5 *accordance with applicable provisions under sub-*
6 *chapter I of chapter 57, United States Code.*

7 (e) *MEETINGS AND QUORUM.*—

8 (1) *MEETINGS.*—*The Commission shall hold its*
9 *first meeting not later than 60 days after the date on*
10 *which all original members are appointed under sub-*
11 *section (d) and shall hold additional meetings at the*
12 *call of the Chairperson or a majority of its members.*

13 (2) *QUORUM.*—*A majority of the members of the*
14 *Commission shall constitute a quorum for the trans-*
15 *action of business.*

16 (f) *STAFFING.*—*The Chairperson of the Commission*
17 *may, without regard to the civil service laws and regula-*
18 *tions, appoint and terminate an Executive Director and*
19 *such other additional personnel as may be necessary for the*
20 *Commission to perform its duties. The Executive Director*
21 *shall be compensated at a rate not to exceed the annual*
22 *rate of basic pay for GS-15 of the General Schedule. The*
23 *employment and termination of an Executive Director shall*
24 *be subject to confirmation by a majority of the members*
25 *of the Commission.*

1 (g) *HEARINGS.*—

2 (1) *MINIMUM NUMBER.*—*The Commission shall*
3 *hold no fewer than 10 hearings during the life of the*
4 *Commission.*

5 (2) *IN CONJUNCTION WITH MEETINGS.*—*Hear-*
6 *ings may be held in conjunction with meetings of the*
7 *Commission.*

8 (3) *TESTIMONY AND EVIDENCE.*—*The Commis-*
9 *sion may take such testimony and receive such evi-*
10 *dence as the Commission considers appropriate to*
11 *carry out this section.*

12 (4) *SPECIFIED.*—*At least one hearing shall be*
13 *held in Washington, District of Columbia, for the*
14 *purpose of taking testimony of representatives of Fed-*
15 *eral agencies, national organizations, and Members of*
16 *Congress. At least one hearing shall focus on potential*
17 *water resource issues relating to climate change and*
18 *how to mitigate the harms of climate change-related*
19 *weather events.*

20 (5) *NONSPECIFIED.*—*Hearings, other than those*
21 *referred to in paragraph (4), shall be scheduled in*
22 *distinct geographical regions of the United States. In*
23 *conducting such hearings, the Commission should seek*
24 *to ensure testimony from individuals with a diversity*
25 *of experiences, including those who work on water*

1 *issues at all levels of government and in the private*
2 *sector.*

3 *(h) INFORMATION AND SUPPORT FROM FEDERAL*
4 *AGENCIES.—Upon request of the Commission, the head of*
5 *a Federal department or agency shall—*

6 *(1) provide to the Commission, within 30 days*
7 *of the request, such information as the Commission*
8 *considers necessary to carry out this section; and*

9 *(2) detail to temporary duty with the Commis-*
10 *sion on a reimbursable basis such personnel as the*
11 *Commission considers necessary to carry out this sec-*
12 *tion.*

13 *(i) INTERIM REPORTS.—Not later than one year after*
14 *the date of the first meeting of the Commission, and every*
15 *year thereafter, the Commission shall submit an interim re-*
16 *port containing a detailed summary of its progress, includ-*
17 *ing meetings held and hearings conducted before the date*
18 *of the report, to—*

19 *(1) the President; and*

20 *(2) Congress.*

21 *(j) FINAL REPORT.—As soon as practicable, but not*
22 *later than 5 years after the date of the first meeting of the*
23 *Commission, the Commission shall submit a final report*
24 *containing a detailed statement of the findings and conclu-*
25 *sions of the Commission and recommendations for legisla-*

1 *tion and other policies to implement such findings and con-*
 2 *clusions to—*

3 *(1) the President;*

4 *(2) the Committee on Natural Resources and the*
 5 *Committee on Transportation and Infrastructure of*
 6 *the House of Representatives; and*

7 *(3) the Committee on Energy and Natural Re-*
 8 *sources and the Committee on Environment and Pub-*
 9 *lic Works of the Senate.*

10 *(k) TERMINATION.—The Commission shall terminate*
 11 *not later than 30 days after the date on which the Commis-*
 12 *sion transmits a final report under subsection (j).*

13 *(l) APPLICABILITY OF FEDERAL ADVISORY COM-*
 14 *MITTEE ACT.—The Federal Advisory Committee Act (5*
 15 *U.S.C. App. 1 et seq.) shall not apply to the Commission.*

16 *(m) AUTHORIZATION OF APPROPRIATIONS.—There is*
 17 *authorized to be appropriated \$12,000,000 to carry out this*
 18 *section.*

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